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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,012	03/24/2004	Dan Scott Johnson	200207103-1	5685
22879 7590 10/09/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER ALAM, MUSHFIKH I	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/808,012	Applicant(s) JOHNSON, DAN SCOTT	
	Examiner Mushfikh Alam	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/24/2007 have been fully considered but they are not persuasive.

Claim 1, Applicant argues Applicant respectfully submits that the modem 114 of the HNM 28 of Kliger does not "monitor presentation of A/V program data requested by a user via a presentation device" nor "automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data to the user" as recited by Claim 1.

In response to Applicant's argument, the modem 114 is part of the HNM as cited in paragraph [0077]. As cited in paragraph [0079]-[0081], the signals (A/V data) are separated through the use of the RF unit (112). Once separated, the modem 114 accepts input (monitors) of the digital output of the A/D converters. Then, the signals of which the modem has been accepting (monitoring) are processed using the DSP portion 130. These signals are clearly the result of a request from any of the presentation devices (33) on the home network.

As broadly interpreting the limitation "automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data to the user." The HMN automatically receives data (frequency of signals) related to the monitored data from the set top box

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making the request for programming. This enables the modem 114 to determine the amount of bandwidth that will be required (paragraph [0080]-[0081]).

Claim 10, Applicant's arguments to claim 1 are further argued in claim 10 and therefore is rejected under the same principles as claim 1 above. Although rejection of claim 10 cited the use of a master HNM, it is simply to show the additional functionality of the master HNM. As cited in paragraph [0107], the master HNM is able to assign addresses to each HNM (28), therefore must monitor the HNM's (28) on the network. Also, in order to avoid collisions in the network, master HNM must monitor transmissions. Rejections may continue to be supported using HNM's (28).

Rejection of claim 15 is sustained for reasons noted in claim 1 and 10 above.

Claim 29, Applicant's arguments to claim 1 are further argued in claim 29 and therefore is rejected under the same principles as claim 1 above.

Claim 22, Applicant argues that Examiner appears to consider the hard disk of Knudson as corresponding to both the "memory" and the "archival storage system" recited by Claim 22, which is an improper claim construction. For example, the Examiner states in the Office Action that the device 24 of Knudson receives program data "for storage in memory (e.g. harddisk)" and that if "related data" resides in the

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memory, the device 24 of Knudson automatically transfers the received A/V program data or the related data "to an archival storage system (e.g. harddisk)."

Applicant further argues that client-server architecture of Knudson, not only is there no "automatic transfer" of any data (the program is merely recorded at the appropriate time), once data is received and recorded by the recording apparatus of Knudson, data is not thereafter transferred "to an archival storage system" as recited by Claim 22. Additionally, in the local architecture setup of the Knudson system, there is no "automatic transfer" of any data (the program is merely recorded at the appropriate time), nor is any data received and recorded by the set-top box thereafter transferred "to an archival storage system" as recited by Claim 22.

In response to Applicant's arguments, referring to memory and archival storage unit as the same unit is necessary for the system of Knudson to search for existing series episodes in the archival storage unit (set top box) (paragraph [0087]). For example, if a program constituting a series requested to be stored on the set top, that request is stored in the set top box as "related data". The subsequent recordings that are scheduled will be then be automatically recorded to the set top box at the appropriate time ("received program data").

Claims 2-9, 11-14, 16-21, 23-28, rejections are sustained for reasons noted above.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 10, 13-15, 17, 19-21, 29-30, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kliger et al (2003/0066082).

Claim 1, Kliger discloses an audio/video (A/V) source component (28),  
comprising:

- a processor (130); and
- a data manager (114) executable by the processor (130), the data manager adapted to monitor (i.e. through a master HNM) presentation of A/V program data (e.g. CaTV signals) requested by a user via a presentation device (33), the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the monitored A/V program data to the user (see fig. 4, paragraphs [0073], [0077] and [0107]).

Claim 10, Kliger teaches an audio/video (A/V) source (28) component,  
comprising:

- means (e.g. master HNM) for monitoring presentation of requested A/V program data to a user via a presentation device (see paragraph [0107]); and
- means (e.g. master HNM) for automatically retrieving A/V program data related to the monitored A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the monitored A/V program data (see paragraph [0107]).

Claim 29, Kliger teaches an audio/video (A/V) component networking system (10), comprising:

- a sink component (44) adapted to present A/V program data (home network signals) to a user via a presentation device (e.g. television operators) (see paragraphs [0067] and [0070]); and
- a source component (28) adapted to monitor presentation of the A/V program data via the presentation device (33) by the sink component (44), the source component adapted to automatically retrieve A/V program data related to the presented A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the presented A/V program data (see paragraphs [0073], [0077], and [0107]).

Claims 2, 14, Kliger teaches the component wherein the data manager is adapted to transmit the monitored A/V program data to a sink component (44) coupled to the presentation device (33) (see paragraphs [0063] and [0065]).

Claims 3, 20, Kliger teaches the component wherein the data manager is adapted to receive a request (e.g. downstream signal) for the monitored A/V program

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data from a sink component (44) coupled to the presentation device (33) (see paragraph [0057]).

Claims 5, 13, 30, Kliger teaches the component wherein the data manager is adapted to identify the related A/V program data (e.g. target data) via header data of the monitored A/V program data (see paragraph [0108]).

Claims 21, 33, 34, Kliger teaches the method further comprising determining whether A/V program data related to the monitored A/V program data resides in the archival storage system (i.e. when the set top box and HNM are within one unit) (see paragraph [0077]).

Claims 28, 35, Kliger teaches the system wherein the source component (28) is adapted transmit the related A/V program data (e.g. broadcast signals, home network signals) to the sink component (44) in response to a request (e.g. while in operation) received by a user via the sink component (44). During operation, the HRU transmits downstream signals across the network to the HNM's via RF filters. The HNM's communicates with the HRU's through upstream signals through the network. Therefore, requests can come from either component. (see fig. 2a, paragraphs [0051], [0056] and [0057]).

Claim 15 is analyzed as a method of claim 10.



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Claim 17 is analyzed as a method of claim 13.

Claim 19 is analyzed as a method of claim 14.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 9, 12, 18, 22-24, 26-28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (2003/0066082) in view of Knudson et al (2005/0273819).

Claim 22, Kliger teaches an audio/video (A/V) source component (28), comprising:

- a processor (130); and
- a data manager (114) executable by the processor (130),

Kliger does not teach:

- the data manager adapted to receive A/V program data for storage in memory,
- the data manager adapted to determine whether A/V program data resides in memory related to the received A/V program data and,

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- if related data resides in memory, automatically transfer either the received A/V program data or the related A/V program data to an archival storage system based on a broadcast sequence of the received A/V program data and the related A/V program data.

Knudson teaches:

- the data manager (24) adapted to receive A/V program data (e.g. programs to be recorded) for storage in memory (e.g. harddisk) (see paragraph [0047]),
- the data manager (24) adapted to determine whether A/V program data resides in memory (e.g. scheduled to be recorded programs) related to the received A/V program data (e.g. programs with matching criteria) (see paragraph [0087]) and,
- if related data (e.g. data related to series) resides in memory, automatically transfer (e.g. set programs related to series to be recorded) the received A/V program data (e.g. programs broadcasted) to an archival storage system (e.g. harddisk) based on a broadcast sequence (e.g. episode series) of the received A/V program data and the related A/V program data (e.g. series episodes in memory) (see paragraph [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a reminding and recording system as taught by Knudson to the home networking system as taught by Kliger because it gives users the ability to set reminders for recording and notify the user when certain television programs are to be aired (see paragraph [0006]).

Claims 4, 12, 24, 31, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to identify the related A/V program data (e.g. series related data) based on a recordation time (e.g. time for scheduled recording or episodes

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in the series) of the received A/V program data (e.g. program to be broadcast) (see fig. 11, paragraph [0084]).

Claim 9, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to determine (i.e. by listing all program in the related series) whether A/V program data (e.g. series related programs) related to the monitored A/V program data (e.g. programs being broadcasted) resides in the archival storage system (e.g. harddisk) (see fig. 12, paragraph [0088] and [0090]).

Claim 23, Kliger clearly teaches the component wherein the data manager is adapted to identify (i.e. by conveys the meanings of the communications) the related A/V program data (e.g. target data) based on header data (e.g. header of packets) associated with the received A/V program data (see paragraph [0108]).

Claim 26, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to automatically transfer (e.g. schedule for recording) the received A/V program data (e.g. programs related to series) to the archival storage system (e.g. harddisk) if the received A/V program data (e.g. programs related to series) represents a later broadcast (e.g. future episode in series) (see fig. 7, paragraph [0058]).

Claim 27, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to automatically transfer (e.g. schedule for recording) the related A/V program data (e.g. episode series) to the archival storage system (e.g. harddisk) if the received A/V program data (e.g. programs currently broadcasted) represents an earlier broadcast (e.g. program that has been broadcasted previously, episode in a series) (see fig. 11, paragraph [0084]).

Claim 28, Kliger teaches the system wherein the source component (28) is adapted transmit the related A/V program data (e.g. broadcast signals, home network signals) to the sink component (44) in response to a request (e.g. while in operation) received by a user via the sink component (44). During operation, the HRU transmits downstream signals across the network to the HNM's via RF filters. The HNM's communicates with the HRU's through upstream signals through the network. Therefore, requests can come from either component. (see fig. 2a, paragraphs [0051], [0056] and [0057]).

Claim 18 is analyzed as a method of claim 12.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (2003/0066082) in view of Ochiai (7,171,677).

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Claim 7, Kliger does not teach the component wherein the data manager is adapted to automatically transfer the monitored A/V program data based on a memory capacity.

Ochiai teaches the component wherein the data manager (7) is adapted to automatically transfer (e.g. select for recording) the monitored A/V program data (e.g. broadcast programs) to the archival storage system (3 or 4) based on a memory capacity. (i.e. whichever memory unit has a sufficient amount of memory available) (see column 5, lines 38-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided logically networked memory system as taught by Ochiai to the home network system of Kliger because it allows user to not pay his/her attention to which memory is being utilized, the network handles this process under self-control. (see column 6, lines 24-31).

7. Claims 6, 8, 11, 16, 32, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (2003/0066082) in view of White (2002/0056098).

Claims 6, 11, 32, Kliger does not teach the component wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system if a presentation time for the monitored A/V program data exceeds a predetermined period.

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White teaches the component (10) wherein the data manager (21) is adapted to automatically transfer (e.g. add channels to recent channel map) the monitored A/V program data (e.g. channel being viewed) to the archival storage system (e.g. memory in the processing system for storing recent channels) if a presentation time for the monitored A/V program data exceeds a predetermined period (e.g. if a channel is being view for more than 20 seconds) (see fig. 4,9, paragraphs [0031], [0034], [0054], and [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a set-top box with a recent channel map as taught by White to the home network system of Kliger in view of the recording and reminding system of Knudson because it allows users to view which channels were recently purposefully selected and eliminates time consumed (see paragraphs [0003] and [0065]).

Claim 8, 36, Kliger clearly teaches the component (10) wherein the archival storage system (22) comprises an optical media storage (e.g. disks) system (see paragraph [0034]).

Claim 16 is analyzed as a method of claim 11.

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8. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (2003/0066082) in view of Knudson et al (2005/0273819) and further in view of White (US Patent Publication No. 2002/0056098).

As to claim 25, Kliger in view of Knudson does not teach the component wherein the archival storage system comprises an optical media storage system.

White teaches the component (10) wherein the archival storage system (22) comprises an optical media storage (e.g. disks) system (see paragraph [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a mass storage device using optical media as taught by White to the home network system of Kliger in view of the recording and reminding system of Knudson because it allows users to input software or data to the client or to download software or data received over a network connection (see paragraph [0034]).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mushfikh Alam whose telephone number is (571) 270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



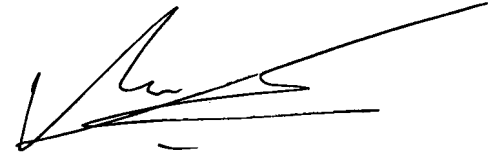
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9/20/2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal stroke extending to the right.

VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600